

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CRAIG STEVEN HOWARD,

Petitioner,

v.

CIV 04-1415 MCA/KBM

ROBERT ULIBARRI, Warden, et al.

Respondents.

ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

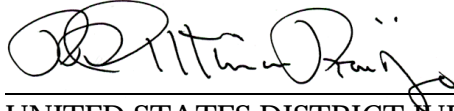
The Magistrate Judge filed her Proposed Findings and Recommended Disposition on April 17, 2007. *Doc. 39*. The proposed findings notify Petitioner of his ability to file objections within ten days of service, and that failure to do so waives appellate review. Petitioner has not filed any objections to date, and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 39*) is ADOPTED;
2. Respondents' motion to dismiss Claims 1 and 3 as procedurally-barred or as raising only state law issues (*Doc. 38*) is DENIED IN PART AND GRANTED IN PART;
3. Respondents' motion to dismiss Claim 2 (*Doc. 37*) is DENIED IN PART AND GRANTED IN PART;
4. All issues raised in the § 2254 petition (*Doc. 1*) are denied on the merits;

5. Any unexhausted claims are also found to be procedurally-defaulted; and
6. A final order enter concurrently herewith.

A handwritten signature in black ink, appearing to read "D. J. [unclear]", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE